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Juris Libris

Jack G. Montgomery
University of Missouri

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Juris Libris

Basic Resources for Legal Research

Column Editor: **Jack G. Montgomery** (Technical Services Librarian, Law Library, University of Missouri Columbia) <MONTGOMERY@law.missouri.edu>

I would like to introduce a new column that has been in development for quite some time. The idea came about in response to comments by general academic and public librarians on the difficulties surrounding selection and collection development in the legal field. While legal bibliographies do exist, they are often general in nature and do not provide the necessary annotations/reviews needed to make an informed decision. To respond to this need, Katina Strauch and I decided to create a column featuring a series of annotated bibliographies and informational articles dealing with a specific area of law or legal materials created by knowledgeable professionals in the field. Our first offering appropriately begins with the topic of legal research and has been produced by Joseph A. Custer of the Law Library, University of Kansas School of Law.

Joe Custer obtained his BA from the University of Northern Iowa, his MLS from the University of Missouri, and his JD from the University of Arkansas at Little Rock. He worked for four years as the Information Services Director at the Law Firm of Gage and Tucker in Kansas City, Missouri. He is currently the Collection Development/Reference Librarian at the University of Kansas Law Library. He teaches Legal Research and Advanced Legal Research at the University of Kansas Law School.

We welcome your ideas and comments concerning this column. Also, if you would like to produce a bibliography or write an article, please contact me at <montgomery@law.missouri.edu> or (314)882-7739. Thanks! — JM

Basic Resources for Legal Research

by **Joe Custer**
(University of Kansas Law Library)

This article deals with basic resources for legal research. It is directed at those with little background in the law, but who have the purchasing responsibility for their particular institutions. Many of the books are for the legal novice, but some are a little more advanced. Dictionaries are included because of the assistance they can offer when one is performing legal research. The listed items are possible purchases for college, public, special, and various research collec-



tions. I have included prices and ISBNs for the listed items to further help in making the best possible purchases. When I knew of reviews, I have given the source. All items listed were in print according to *BIP Plus* as of this writing.

Ballentine's Law Dictionary with Pronunciations. NY: Lawyer's Cooperative. 1969. 1439 p. 0442016573. \$25.00. Very comprehensive legal dictionary even though current edition is over 25 years old.

Berring, Robert C. Finding the Law. 10th ed. Saint Paul, MN: West Publishing Co., 1955. 340p. 0314060847. \$21.00. Authoritative and a very good teaching tool. Advanced for those who don't teach or without a legal background.

Berring, Robert C. Legal Research Made Easy: A Roadmap Through the Law Library Maze. Producer: Legal Star Communications. Berkeley, CA: Nolo Press, 1990. 150 min., guide, 2 1/2 hour VHS tape. 0873371380 \$89.95. The 2 1/2 hours is split roughly into four 30 minute segments making it feasible for classroom instruction by VHS. A review of this title was printed in *Booklist*, 11/15/90.

Berring, Robert C. and Kent C. Olson. Practical Approaches to Legal Research. Binghamton, NY: Haworth Press, 1988. 150p. 0866562532. \$39.95. Designed for law librarians with one section being an overview of quick reference materials. Could be helpful to college or public librarians whose library has a significant law section.

Berton, E. Ballard. Twelve Entry Points to Legal Research: A User Friendly System. Berkeley, CA: E.W. Ballard Pub-

lishing Co., 1986. 375p. 0940199009. \$19.95. A workbook format intended for prelaw or first-year law student.

Black, Henry C. and Joseph C. Nolan. Black's Law Dictionary. 6th reprint ed. Saint Paul, MN: West Publishing Co., 1993. 1657p. 031476271x. \$29.50. Standard authority with over 5,000 legal words and terms.

Brown, Archibald. A New Law Dictionary and Institute of the Whole Law: For the Use of Students, the Legal Profession, and the Public. Littleton, CO: Rothman, 1987. 301p. 0837719496. \$45.00.

Coco, Al. Finding the Law; A Workbook on Legal Research for Laypersons. Government Institutes, Inc., 1982. 283p. 0865870616. \$55.00. Good resource for the layperson who is working with the federal law.

Cohen, Morris L. and Kent C. Olson. Legal Research in a Nutshell. 5th ed. Saint Paul, MN: West Publishing Co., 1992. 500p. 0314007830. \$17.00. Describes the types of books used in legal research. Good for the layperson but tends to get a little technical (especially with the new edition coverage of Westlaw and Lexis — legal electronic databases).

Corbin, John. Find the Law in the Library: A Guide to Legal Research. Chicago: ALA, 1989. 327p. 0838905021. \$58.00. A good reference source for librarians and lay people. Reviewed in *Reference & Research Book News*, 10/89.

Elias, Stephen and Susan Levinkind. Legal Research: How to Find & Understand the Law. 4th ed. Berkeley, CA: Nolo Press, 1995. 0873373014. \$19.95. Written for a broad audience, provides helpful step-by-step instructive guidelines for finding legal information.

Good, C. Edward. Legal Research ... Without Losing Your Mind. Charlottesville, VA: LEL Enterprises, 1993. 245p. 09349617. \$21.95. A step-by-step approach with a sense of humor. Includes a very helpful 85-page visual aide booklet.

Handler, Jack G. Ballentine's Law Dictionary: Legal Assistant Edition. Albany, NY: Delmar Publishers, 1994. 614p. 0827348746. \$17.95. Cross-reference to *Ballentine's Law Dictionary with Pronunciations* (see above).


continued on page 52

Infringers Beware from page 51

years and fined \$250,000.00 for individuals and \$500,000.00 for organizations.¹¹ Other criminal penalties are imposed for the fraudulent use or removal of a copyright notice.¹² Further, if one is convicted of criminal infringement, all copies of the infringing materials and the means by which they were produced or reproduced are subject to confiscation and destruction.¹³

Copyright infringement is not treated lightly. In fact, it is serious business. Copyright remedies and penalties are cumulative, and are designed not only to allow the holder to recover his lost profits and the ill-gotten profits of the infringer, but to also provide potential

infringers with a strong deterrent.

In the future, before reproducing or distributing a copyrighted work, ask yourself: "Is this a possible infringement? Is this really worth the risk?" If it is an infringement, or if you are unsure, *do not do it!* For if you do infringe upon a copyright, you may find yourself with a lot more problems than you bargained for. 

Mr. Pritchard is a partner in the firm of Sinkler & Boyd, P.A. He received his J.D. from the University of South Carolina in 1987 and, following graduation, clerked for the Honorable Randall T. Bell, South Carolina Court of Appeals. He began practicing law in 1988.

FOOTNOTES

¹¹17 U.S.C. § 502 (a) (1982).

¹²17 U.S.C. § 504 (a) (1) (1982).

¹³17 U.S.C. § 501 (b) (1982).

¹⁴17 U.S.C. § 504 (c) (1) (1982).

¹⁵*Id.* What constitutes "all infringements involved in the action" or "one work" is beyond the scope of this article.

¹⁶17 U.S.C. § 504 (c) (2) (1982).

¹⁷*Id.*

¹⁸Prior to the 1976 amendments to the copyright laws, our author may have been entitled to recover both his \$50,000.00 lost profits and the infringer's \$120,000.00 profits for a total recovery of \$170,000.00. Apparently damages, like most things, just aren't made like they used to be.

¹⁹17 U.S.C. § 506 (a) (supp. 1995).

²⁰18 U.S.C. § 2319 (b) (1) (supp. 1995); 17 U.S.C. § 506 (a) (supp. 1995); 18 U.S.C. § 3559 (a) (5) and (6) (supp. 1995); 18 U.S.C. § 3571 (b) (3) and (5) and (c) (3) and (5).

²¹18 U.S.C. § 2319 (b) (1) (supp. 1995); 17 U.S.C. § 506 (a) (supp. 1995); 18 U.S.C. § 3559 (a) (4) (supp. 1995); 18 U.S.C.

§ 3571 (b) (3) and (c) (3) (supp. 1995).

²²See 17 U.S.C. § 506 (c) and (d) (1982).

²³This may seem duplicative of the impoundment and destruction remedy discussed above, and, in a way, it is. Yet, while the end result may be the same either way, the method by which it is accomplished is very different. The impoundment and destruction remedy is a civil remedy, which must be sought by the holder. Seizure and forfeiture, however, is a criminal penalty, which must be sought by the proper authorities. Moreover, though not all infringements are criminal, all infringements are civilly actionable, so failure to include impoundment and destruction as a civil remedy would deprive the holder of the ability to have the infringing materials confiscated and destroyed in cases involving non-criminal infringement. Similarly, a holder may for some reason elect not to bring a civil action in a situation involving a criminal infringement (such as a case where the infringer is bankrupt so damages and attorney's fees cannot be recovered from a pragmatic standpoint). Failure to include seizure and forfeiture as a criminal penalty would allow the infringer to retain the infringing materials in such a situation.

Juris Libris from page 49

Herskowitz, Susan. *Legal Research Made Easy.* Clearwater, FL: Sphinx Publishing, 1995. 124p. 1572480084. \$14.95. Written for those without a law background. Includes two sample legal research problems. Author implies this book should be used first before seeing a licensed attorney (may save yourself some money).

Hill, Kathleen Thompson and Gerald W. Hill. *Real Life Dictionary of the Law: Taking the Mystery Out of Legal Language.* Santa Monica, CA: General Publishing Group, 1995. 479p. 1881649741. \$19.95. Reviewed by *Library Journal*, 8/95, where the reviewer (Joan Pedzich) points out that the publisher notes that the "book [was] spotted at the O.J. Simpson trial on both the defense team's and judge's desks."

Hodes, W. William. *Legal Research: A Self-Teaching Guide to the Law Library.* Saint Paul, MN: Natl. Inst. for Trial Advocacy, 1988. 173p. 1556811756. \$15.00. Research book provides self-help approach

to the law library. Can be used as a teaching tool. Workbook included. (Instructor's Manual available).

Jacobstein, J. Myron and Donald J. Dunn. *Legal Research Illustrated.* 6th ed. Westbury, NY: The Foundation Press, 1994. 488p. 1566621674. \$23.95. Abridged paperback version of more technical *Fundamentals of Legal Research*. Used by paralegals and will be found in some colleges.

Lewis, Alfred. Pak: *Using American Law Books.* Dubuque, IA: Kendall/Hunt Publishing Company, 1995. 288p. 0787207349. \$29.38. Suitable for the first-year law student, the paralegal, the undergraduate taking a law-related course or the library science student taking a class in legal bibliography.

Nolfi, Edward A. and Pamela R. Tepper. *Basic Legal Research & Writing.* Blacklick, OH: Glencoe, 1993. \$34.68. Structured primarily for the paralegal but also useful to the layperson.

Oran, Daniel and Mark Tosti. *Law Dictionary for Non-Lawyers.* 3rd ed. Saint

Paul, MN: West Publishing Co., 1991. 303p. 0314875352. \$18.50.

Roberts, Bonita K. and Linda L. Schlueter. *Legal Research Guide: Patterns and Practice.* 2nd ed. Charlottesville, VA: Michie Butterworth, 1990. 157p. 0874736412. \$18.00. Simplified nuts and bolts approach to legal research with helpful checklists.

Statsky, William P. *Legal Research and Writing: Some Starting Points.* 4th ed. Saint Paul, MN: West Publishing Co., 1993. 270p. 0314012079. \$29.75. Focuses on the paralegal but approach is very straightforward and easy to read for most audiences.

Wren, Christopher G. and Jill R. Wren. *The Legal Research Manual: A Game Plan for Legal Research & Analysis.* 2nd ed. Madison, WI: Adams & Ambrose Publishing, 1986. 242p. \$9.95. Although used in some law schools for first-year students, this book has a non-technical approach which makes it suitable for other audiences. 